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SUBJECT: OCHA BRIEFS COUNCIL ON DARFUR

11. Summary: On March 20, OCHA Director Rashid Khalikov updated the Security Council in a public session on the humanitarian situation in Darfur in the wake of the Government of Sudan's (GOS) expulsion of key non-governmental organizations (NGOs). Khalikov noted that since A/SYG Bragg's March 6 Council briefing, humanitarian response capacity had significantly eroded. Sudanese Ambassador Mohamed Abdelmannan said that the Government of Sudan's "legitimate, sovereign decision" would not be reversed. Ambassador Rice strongly condemned the GOS's decision and said that Bashir and the GOS would be held accountable for each and every death resulting from their decision. Almost all Council members urged the GOS to reverse its decision (even Libya expressed regret for the NGO expulsions), though some professed to understand GOS actions, noting that the ICC indictment had been a catalyst. End Summary.

Khalikov Briefs the Council

12. On March 29, Director for the UN Office of the Coordinator for Humanitarian Affairs (OCHA) Rashid Khalikov briefed the Security Council on the humanitarian situation in Darfur. Khalikov noted that while the UN continued to advocate for reversal of the GOS decision to expel NGOs, the UN and GOS had agreed to complete a joint assessment to determine immediate gaps in food, health, nutrition, water and sanitation needs. Khalikov said that the assessment would also address capacity for covering these immediate, life-threatening needs. Khalikov noted with concern Bashir's March 15 remarks that all foreign humanitarian organizations in Sudan would be required to leave within one year. He also said that the impact of the expulsions had been felt not only in Darfur, but also in the three areas of Blue Nile, Southern Kordofan and Abyei, noting that delivery of humanitarian assistance in those areas would be critical to implementation of the Comprehensive Peace Agreement (CPA) that ended the war between the north and south.

Sudan Reacts

13. Sudanese representative Abdelmannan characterized the expulsions as within Sudan's sovereign right. He said that NGOs, as the "guests of Sudan" had a responsibility "not to enter the private rooms of their host." Abdelmannan said that the GOS would never reverse its decision and noted that only 13 out of 118 NGOs had been expelled, a mere seven percent of these organizations. He called on the Council to comprehensively address the situation in Darfur, and stated that the humanitarian situation had been exploited as a pretext for ICC action. Abdelmannan also said that the ICC indictment threatened political negotiations, pointing to the statements of rebel groups following the March 4 decision.

The Council Responds

14. Ambassador Rice said that the United States would hold Bashir and his government accountable for every death caused

by the callous and calculated expulsion of NGOs. Rice urged the Council to speak with one voice, saying that member states could not afford to stand by while over one million people were at imminent risk of death. Rice argued that Bashir's increasingly menacing rhetoric had further escalated the crisis. She pointed out that despite the urgent efforts of the U.S., the UN and other member states to reverse the GOS decision, the Sudanese representative had indicated that his government would never reverse its expulsion order. She reiterated that the Council must come together to protect the people of Darfur, noting that while Council members could disagree on other matters, saving the lives of innocent civilians should not be one of them. She stated that the GOS had created the crisis and must act to end it.

15. The United Kingdom noted that its contribution towards humanitarian assistance in Sudan was the UK's single largest humanitarian effort in the world, and that the UK was the second-largest bilateral donor to Sudan. The UK also said that it would hold the GOS responsible for the suffering its decision caused, pointing out that the GOS had violated humanitarian communiqués signed with the UN and provisions of the goodwill agreement signed on February 17 in Doha. France characterized the humanitarian situation in Darfur as "one of the world's greatest emergency situations" and called upon all parties to cooperate to prevent further deterioration. France also reiterated that Sudan must cooperate with the ICC and that punishing its own population was absolutely the wrong response. Austria said that the GOS has the primary responsibility to ensure food, shelter and health care for its people.

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16. Japan, as one of the major donors to Sudan, registered concern with the GOS remarks regarding the nationalization of relief efforts in Sudan. Japan noted that implementation of assistance on such a large scale could not be accomplished without UN involvement and monitoring. Japan also observed that the Council, in resolution 1828 (2008), had demanded full implementation of the Joint Communiqué between the GOS and UN concerning humanitarian access. Japan said the Council must ensure implementation of its decisions and that if the Council failed to do so, it should be held accountable to the international community. Japan also stated that the ICC decision did not justify GOS failure to comply with Security Council resolutions.

17. Uganda called upon the GOS to reverse its decision to expel NGOs and disagreed with the representative of Sudan that only 7 percent of the NGO community had been affected. Uganda noted that the 13 NGOs expelled had provided 50 to 60 percent of humanitarian assistance to Sudan.

18. China said that the ICC arrest warrant had adversely affected the situation in Darfur and reiterated that the Council should have a comprehensive discussion about Darfur to develop an integrated strategy that would address political process, peacekeeping, humanitarian relief, justice and economic reconstruction. Russia commented that the decision to convene the Council had been made in haste, without preparation and reflected an absence of strategy concerning Darfur. Russia said that the international community should continue its dialogue with the GOS concerning NGO activities on its territory, but agreed that political process, peacekeeping and justice must be addressed comprehensively.

19. Burkina Faso said that the GOS expulsion of NGOs could not be separated from the ICC indictment of Bashir and emphasized that the quest for justice should not create further suffering for the civilian population. Libya, represented by the Deputy Permanent Representative, indicated that it would have preferred to defer the briefing by OCHA until completion of the joint assessment, and noted that the Council members who had insisted on the briefing had been

silent when aircraft were bombing civilians in Gaza. Libya expressed regret for the NGO expulsions but stated that the GOS decision had been understandable. Libya also stated that the ICC indictment jeopardized the peace process and called on the Council to invoke article 16 of the Rome statute to defer prosecution of Bashir.

¶10. The European Union representative informed the Council of the March 16 conclusions reached by the Ministers for Foreign Affairs of the EU. The EU called upon the GOS to reverse its decision and to ensure humanitarian assistance to the vulnerable people of Sudan.

Sudanese Rejoinder

¶11. Sudanese Counsellor Hassan Hamid Hassan requested the floor for a second time and stated that characterizing Sudanese decisions as being taken by an individual violated diplomatic norms and the UN charter. He said that decisions in Sudan had been taken by institutions and that Sudan was not a failed state. Hassan reiterated that the GOS would not revoke its decision to expel NGOs and said that those NGOs had violated resolutions of the General Assembly regulating humanitarian work.

Wolff